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June 23, 2008

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Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

RE: Docket No. AB-364 (Sub-No. 14X), *Mid-Michigan Railroad, Inc. –
Abandonment Exemption—in Kent, Ionia, and Montcalm Counties,
MI*

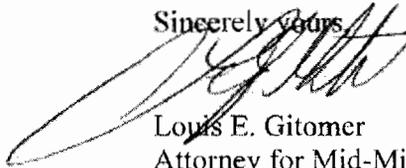
Dear Acting Secretary Quinlan:

On February 28, 2008, the Mid-Michigan Railroad, Inc. (“MMRR”) filed a Petition for Exemption to abandon a 26.40-mile rail line between Lowell, milepost 103.20, and Greenville, milepost 78.50, at the end of the line in Kent, Ionia, and Montcalm Counties, MI. By decision served on June 9, 2008, the Surface Transportation Board granted the Petition subject to requiring MMRR to “retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the section 106 process of the NHPA. MMRR shall report back to SEA regarding any consultations with the SHPO and the public.” *Mid-Michigan Railroad, Inc.—Abandonment Exemption—in Kent, Ionia, and Montcalm Counties, MI*, STB Docket No. AB-364 (Sub-No. 14X) (STB served June 9, 2008), at 5 (the “*Decision*”).

MMRR has completed its consultation with the Michigan Department of History, Arts and Libraries, and received the enclosed letter indicating that “no historic properties are affected.” As a result of this successful consultation, MMRR respectfully requests the Surface Transportation Board to remove the historic condition imposed in ordering paragraph 1(3) of the *Decision* so that MMRR may move forward with the sale of the line for interim trail use/rail banking.

MMRR is e-filing this letter. Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours,



Louis E. Gitomer
Attorney for Mid-Michigan Railroad, Inc.

Enclosures
Cc: Parties of Record



JENNIFER GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HISTORY, ARTS AND LIBRARIES
LANSING

DR. WILLIAM ANDERSON
DIRECTOR

June 16, 2008

TROY BRADY
SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS
395 E STREET SW SUITE 1100
WASHINGTON DC 20423

RE: ER-99-392 STB Docket No. AB-364 (Sub-No. 14X), Kent, Ionia and Montcalm Counties (STB)

Dear Mr. Brady:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. Based on the information provided for our review, it is the opinion of the State Historic Preservation Officer (SHPO) that **no historic properties are affected** within the area of potential effects of this undertaking.

The views of the public are essential to informed decision making in the Section 106 process. Federal Agency Officials or their delegated authorities must plan to involve the public in a manner that reflects the nature and complexity of the undertaking, its effects on historic properties and other provisions per 36 CFR § 800.2(d). We remind you that Federal Agency Officials or their delegated authorities are required to consult with the appropriate Indian tribe and/or Tribal Historic Preservation Officer (THPO) when the undertaking may occur on or affect any historic properties on tribal lands. **In all cases**, whether the project occurs on tribal lands or not, Federal Agency Officials or their delegated authorities are also required to make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties per 36 CFR § 800.2(c-f).

This letter evidences the STB's compliance with 36 CFR § 800.4 "Identification of historic properties", and the fulfillment of the STB's responsibility to notify the SHPO, as a consulting party in the Section 106 process, under 36 CFR § 800.4(d)(1) "No historic properties affected".

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.

If you have any questions, please contact Brian Grennell, Environmental Review Specialist, at (517) 335-2721 or by email at ER@michigan.gov. **Please reference our project number in all communication with this office regarding this undertaking.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

Martha MacFarlane Faes
Environmental Review Coordinator

for Brian D. Conway
State Historic Preservation Officer

MMF:JRH:ROC

Copy: **Louis Gitomer**